

## Message Text

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44

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 NSCE-00 AID-05 CEA-01 CIAE-00

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NSAE-00 OPIC-03 SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01

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TO SECSTATE WASHDC PRIORITY 8705

INFO USMISSION OECD PARIS

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DEPARTMENT PASS STR

E.O. 11652: NA

TAGS: ETRD, EEC, OECD

SUBJECT: APRIL 21-25 TCWP MEETING ON GOVERNMENT PROCUREMENT

REF A) POMERANZ-SPIRO TELCON 4/17/75

B) STATE 62816

C) STATE 85766

1. SUMMARY: THE EC COMMISSION FOUND THAT NEW US TEXT ON SURVEILLANCE AND RULES OF ORIGIN CONTAINED IN REFTEL B VERY FORTHCOMING AND A USEFUL CONTRIBUTION FOR THE TCWP MEETING. PROBLEMS REMAIN WITH THE AD HOC SUBCOMMITTEE, WHICH ARE DU, IN PART, TO THE COMMISSION'S INTERPRETATION OF THE SCOPE OF THE APPEAL PROCEDURE. END SUMMARY.

2. ON APRIL 18 WE SPOKE WITH DERISBOURG, THE EC COMMISSION OFFICIAL WHO WILL REPRESENT THE EC AT THE APRIL 21-25 TCWP MEETING ON GOVERNMENT PROCUREMENT AND SOUGHT HIS REACTIONS TO THE NEW US TEXT PROPOSED IN REFTEL B.

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3. DERISBOURG SAID THAT HE WOULD SHORTLY BE MEETING

WIT MEMBER GOVERNMENT REPRESENTATIVES, AND THE TEXT PROPOSED BY THE US WOULD BE DISCUSSED. HE SAID THAT HE HAD RECOGNIZED IN OUR TEXT A GREAT EFFORT TO BE FORTHCOMING ON THE OVERALL MECHANISM FOR SURVEILLANCE AND WOULD POINT THIS OUT TO MEMBER STATE OFFICIALS. HE SAID THE MEMBER STATES WOULD STILL HAVE A PROBLEM, HOWEVER, WITH THE FIVE-MAN AD HOC SUBCOMMITTEE, TWO CHOSEN BY EACH SIDE, AND, AS THEY SEE IT, A SINGLE ARBITER.

4. WE POINTED OUT THAT UNDER OUR TEXT, THE COMMITTEE ON GOVERNMENT PURCHASING SHALL BE ABLE TO RESOLVE CONTROVERSIES AND THAT AD HOC SUBCOMMITTEE DECISIONS CAN, IN EFFECT, BE APPEALED BACK TO THE COMMITTEE ON GOVERNMENT PURCHASING. DERISBOURG SAID THAT HE HAD INTERPRETED OUR TEXT TO MEAN THAT ONLY THE AD HOC SUBCOMMITTEE RECOMMENDATION ON COMPLAINANT'S COMPENSATING ACTIONS COULD BE RECONSIDERED AND NOT THE RULING ITSELF. SPEAKING PERSONALLY, WE SUGGESTED THAT PERHAPS DERISBOURG'S INTERPRETATION OF THE SCOPE OF THE FULL COMMITTEE REVIEW WAS TOO NARROW AND THAT EVEN THE RULING OF THE AD HOC SUBCOMMITTEE COULD BE OVERTURNED BY THE FULL COMMITTEE. DERISBOURG SAID THAT IF SUCH WERE THE CASE, THE SITUATION WOULD BE MUCH IMPROVED FROM THE POINT OF VIEW OF THE MEMBER STATES. HE ASSUMED THAT THIS POINT WOULD BE CLARIFIED AT THE TCWP MEETING.

5. REGARDING RULES OF ORIGIN, DERISBOURG SAID THAT HE CONSIDERED THE NEW US TEXT A VALUABLE CONTRIBUTION TOWARDS A SOLUTION. HE BELIEVES THAT ULTIMATE AGREEMENT ON THE RULES OF ORIGIN ISSUE IS NOT A SERIOUS PROBLEM AND THAT A SOLUTION WILL READILY BE FOUND.

6. AS PER REFTEL C, WE TOLD DERISBOURG THAT THE US STRONGLY BELIEVES THAT EARLY COMPLETION OF AN AD REFERENDUM TEXT OF THE DRAFT INSTRUMENT IS IN THE BEST INTEREST OF THE WORKING PARTY AND THAT GOVERNMENT PROCUREMENT DOES NOT APPEAR TO BE QUITE RIPE FOR LIMITED OFFICIAL USE

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CONSIDERATION AT GENEVA. HE NOTED PRESSURE FROM INDIA AND OTHERS TO DISCUSS GOVERNMENT PROCUREMENT IN GENEVA. MYERSON

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